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DRUG COURT:
USING DIVERSION TO SUPERVISE AND TREAT
AN ESCALATING DRUG OFFENDER POPULATION

A Thesis
Presented to the
Faculty of
California State University,
San Bernardino

In Partial Fulfillment
of the Requirements for the Degree
Master of Arts
in
Criminal Justice

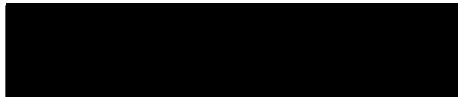
by
Laura Davis
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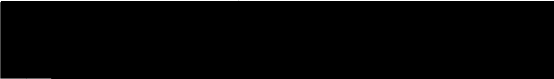
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Approved by:


Marilyn McShane, Chair, Criminal Justice

8/28/97
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Frank P. Williams III


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ABSTRACT

Since 1980, the number of arrests and convictions for drug offenses as well as other charges stemming from substance abuse have increased significantly resulting in a number of case management and criminal justice policy dilemmas. In an attempt to manage this growing population, special drug courts have developed to provide substance abuse treatment, increase efficient case management and supervision, and reduce recidivism in this population. This comparison research examines subjects in the San Bernardino drug court program with a second treatment group of felony probationers and a control group of subjects on felony probation. It is anticipated that the subjects participating in the drug court program will have a lower level of relapse while in the program, and a reduction of rearrests and convictions after successfully completing the program. The anticipated results are attributed to the combination of court intervention, probation supervision, and intensive substance abuse treatment while in the program.

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CHAPTER ONE

THE PROBLEM OF DRUG USING OFFENDERS

Introduction

The data regarding escalating incarceration rates indicates that the composition of the criminal offender population has changed over the past thirty years. Between 1965 and 1990, arrests for drug offenses have been steadily increasing in proportion to overall arrest patterns (Bureau of Justice Statistics, 1992). Since 1980, the number of arrests for drug offenses as well as other charges stemming from substance abuse have increased significantly resulting in a plethora of case management and criminal justice policy issues. By the 1980's, inmate populations were soaring and, according to U.S. Department of Justice (1992) statistics, a large percentage of these offenders had a moderate to severe drug problem.

In a 1989 jail inmate survey, 30% admitted that they had used one or more drugs on a daily basis prior to incarceration, and over 63% of youths surveyed in a juvenile detention facility in 1986 reported using drugs regularly prior to committing their offense (p. 196). In 1992, between 47 to 78% of arrested males and 44 to 85% of female arrestees tested positive for drugs (National Institute of Justice, 1993).

In a 1989 survey of state prison inmates, 18% of males and 24% of females totaling more than 83,000 individuals

admitted to daily use of cocaine heroin, PCP, LSD, or methadone in the month before their offense. Between 1986 and 1991, drug offenders were responsible for a 44% increase in the prison population (Bureau of Justice Statistics, 1993). According to Drug Use Forecasting (DUF) data, between October and December 1990, more than half of all arrestees in several participating cities tested positive for illegal substances (Hebert and O'Neil, 1991).

Unfortunately, the number of individuals needing substance abuse treatment is estimated to be three to four times the number of individuals actually receiving any form of treatment. The authors estimate that approximately 45% of arrestees testing positive for cocaine require treatment, while 60% of those who test positive for opiates and 75% of those who inject cocaine, opiates, or amphetamines require treatment (U.S. Department of Justice, 1992, p. 110).

Courts are faced with a growing number of nonviolent drug offenders and limited options as to what should be done with them. At the same time, research indicates that incarceration alone has little effect on future drug use in this population (Carver, 1993).

In an attempt to manage this growing population within the criminal justice system, several trends have developed combining substance abuse treatment with supervision of nonviolent offenders. Numerous innovations have been implemented including Intensive Supervision Probation (ISP),

shock incarceration, and drug treatment programs within jails and prisons.

One of the more recent and creative community corrections alternatives is drug court. Two basic types of drug court models have developed; differentiated case management courts and drug treatment oriented courts. Although the majority of drug court programs include some form of drug treatment, both models share common goals to refer offenders to community drug treatment and to increase efficient case management and supervision (Belenko and Dumanovsky, 1993).

The implementation of drug courts allows for numerous policy objectives including 1) the reduction of participant contacts with the criminal justice system through treatment and the possibility for imposition of rewards and sanctions, 2) the reduction of costs to process and/or rearrest participants, 3) the reduction of jail overcrowding, 4) the provision of assessment, education, and treatment to achieve total abstinence from illegal drugs, 5) the expansion of sentencing options available to the court, 6) the promotion of positive interaction between the offender and the court, and 7) the promotion of self-sufficiency and empowerment to allow the substance abuser to become a productive and responsible member of the community (Maricopa and San Bernardino County Program Descriptions, 1994; Finn and Newlyn, 1996; Goldkamp and Weiland, 1993). As can be seen from the program goals, special drug courts provide opportunities for

drug-involved offenders which are not available in other drug-oriented treatment programs either within or independent of the criminal justice system.

Anticipated Results

Although there are numerous evaluations of drug courts throughout the United States, there is little research currently available that examines similarities and/or differences between drug court programs and other treatment options which utilize a combination of supervision and treatment. Using a process-oriented quasi-experimental design, this research will compare the San Bernardino drug court program with the San Bernardino Probation drug treatment program PRIDE, and a control group of felony drug offenders assigned to supervised probation with standard drug/alcohol conditions of probation.

Based on research evaluations of other drug court programs, it is plausible to hypothesize that individuals successfully completing the drug court diversion program will be less likely to recidivate for a number of reasons. Drug court programs offer intensive drug treatment and monitoring by the court, the probation department, and the drug court substance abuse treatment counselors during participation in the program. Additionally, referrals and assistance in occupational and educational goals are available for participants while in the program. The support system of fellow participants and treatment counselors as

well as the almost father-like bond that develops between the Judge and the participants offers additional support to remain drug-free after graduating from the program. Finally, participants are encouraged to engage in treatment aftercare programs.

It is anticipated that the interrelationship between criminal justice components and treatment options will increase the likelihood of success from drug court participants. However, it is hoped that a comparison between drug court and PRIDE participants will furnish information regarding differences between the two programs which could not be determined with a comparison between only a treatment and control group. A detailed description of each program, as well as the control group, will be provided later in this research.

Before specifically detailing the components and anticipated results of this research, it is necessary to examine current trends in substance abuse supervision and treatment in use in the criminal justice system.

CHAPTER TWO

REVIEW OF THE LITERATURE

Traditional Drug Treatment Efforts

The increasing population of drug offenders within the criminal justice system has mandated that alternatives to incarceration be implemented to decrease a number of problems associated with these offenders including overcrowding and increasing costs. As mentioned earlier, research indicates that supervision alone does not effectively reduce this population's impact on the system (Carver, 1993), however there is no agreement as to the most successful approach for dealing with drug offenders.

According to Peele (1985), the 1960's marked an era of increased awareness and alarm regarding substance abuse and a variety of illegal drugs became highly visible. Methadone maintenance programs were developed, tougher laws enacted and there was increased enforcement of both users and sellers. One result of these efforts was a steady increase in the number of drug offenders in jail and prison populations. Prior to exploring the specific concept of drug court and the interrelationship between treatment and the criminal justice system, general treatment alternatives currently in practice will be reviewed.

Most treatment programs fall into one of five categories; detoxification programs that focus on ending physical addiction, chemical dependency units which involve

intensive testing and counseling and are usually fairly expensive, outpatient clinics which include counseling and treatment based on a schedule of appointments, methadone maintenance programs which address heroin use only, and residential therapeutic communities or inpatient drug treatment programs. All of these strategies can vary in length, cost, and intensity with the programs ranging from highly structured to extremely informal (McShane and Krause, 1993; Lyman and Potter, 1991). The main goals of drug treatment programs are to control or eliminate drug use while offering viable alternatives to the drug-using lifestyle.

Currently, the most common substance abuse programs involve group treatment. These therapeutic communities can be either inpatient, outpatient, or transitional/halfway house forms of treatment. Narcotics Anonymous is the most familiar group drug treatment program currently in practice and is available in numerous cities throughout the United States.

Narcotics Anonymous (NA) was adapted from Alcoholics Anonymous and began practice in California in 1953. This program uses the concept of twelve steps for recovering addicts and the goal of NA is to provide a message to the addict and to allow group members to express themselves as well as hear the experiences of others (Lyman and Potter, 1991). One of the major advantages of this program to both the criminal justice system and the participant is that it

is cost-free.

According to Duffee and Carlson (1996), although the current political philosophy has shifted towards a more treatment-oriented approach for drug offenders, public policy and accompanying funding continues to focus on enforcement in addition to prevention and treatment. Based on that philosophy, there are insufficient substance abuse treatment programs available to meet the demand for the offender population. The authors further point out that probationers comprise the largest population of offenders in the United States with an estimated 26% or 580,000 of these individuals in need of drug abuse services (p. 575).

A September 1989 survey of 44 states and the District of Columbia conducted by the National Association of State Alcohol and Drug Abuse Directors (NASADAD) indicated that 66,766 people were on waiting lists for drug treatment nationally. Additionally, the average waiting time before entering an outpatient program was at least 22 days while inpatient treatment was not available for at least 45 days. The wait was much longer in cities with serious drug problems (Duffee and Carlson, 1996, p. 575).

There are numerous obstacles which limit the criminal justice client's access to programming including their undesirability to treatment providers. Providers perceive that many of these offenders are the least likely to be amenable to treatment, are disruptive within the program,

may present negative consequences to the treatment group as a whole, especially if some clients are lower risk or voluntary participants, and, finally, the high volume of drug-using offenders threaten to overwhelm the entire treatment system (Duffee and Carlson, 1996; Greenwood, 1995; Belenko, 1990).

If this population is fortunate enough to participate in inpatient or outpatient drug treatment, a second problem develops. Drop-out rates were examined by Baekelund and Lundwall in 1975. They found that 52% to 75% of substance abuse clients dropped out by the fourth session of outpatient treatment and 82% of clients completed less than four months of residential treatment (p. 783). A more recent study of cocaine users in outpatient therapy conducted by Kleinmann, Kang, Woody, Kemp, and Millman (1992) revealed that 42% dropped out before the third contact and only 24% attended six or more sessions (p. 42). Although neither of these studies involved solely criminal justice clients, the results indicate that client drop-out is a major problem with substance abusing offenders. Deleon (1985) found that the drop-out rate was most likely to occur in the first month of treatment and that low motivation towards treatment was related to an increased chance of drop out.

Although drug using offenders within the criminal justice system will most likely be coerced into attending drug treatment, the Treatment Outcome Prospective Study

(TOPS) found a major difference between voluntary and legally referred clients. TOPS found that participants that were coerced into treatment were less likely to be satisfied with their treatment than voluntary clients (Farabee, Nelson, and Spence, 1993). This finding led the authors to examine the difference in psychological needs between the criminal justice client and the voluntary participant. According to Farabee, Nelson, and Spence (1993), legally referred clients were less likely to progress from the precontemplation to the contemplation stage (assessment of drug use problems), through the determination or desire for help stage, to the action stage or readiness for treatment (p. 343). The authors note that those participants who fail to progress through these stages are less receptive to treatment and less likely to change their behavior.

Obviously, there are numerous problems associated with substance abuse treatment in general, however, when considering criminal justice clients, these problems increase dramatically. Drug offenders are likely to have a plethora of problems in a number of life areas. Therefore, it is imperative that drug treatment involve a continuum of care with long-range case management.

According to Marshman (1978), case management is described as a variety of services including ongoing support, advocacy, numerous services in addition to substance abuse treatment, reassessment, outreach, and aftercare

(Graham, Timney, Bois, and Wedgerfield, 1995). Advocacy and coordination between agencies is required to increase the success of long-term case management goals. Duffee and Carlson (1996) suggest that advocacy within the criminal justice system, specifically with clients in probation, could include knowledgeable probation officers who devote more time to securing programs for their clients or establishing relationships with treatment providers. The authors suggest that treatment providers may be more comfortable in accepting legally referred clients if they can rely on the probation department for support and enforcement of treatment requirements. Additionally, probation advocates should coordinate with the judiciary regarding revocation processes or alternatives which would enhance a treatment program.

One alternative which has developed in order to decrease the number of drug offenders currently in the system while still addressing the unique problems inherent to drug users is diversion.

Diversion

Diversion is an option that has been explored with varying offender populations within the criminal justice system. According to Lea Fields (1994), diversion programs involve the "halting or suspension, before conviction, of formal criminal proceedings against a person, conditioned on some form of counter performance by the defendant" (p. 20). The California Penal Code has a provision for pretrial

diversion programs in a number of areas including drug abuse, domestic violence, child abuse or molestation, traffic violations, and bad checks. The goal of these programs is to reduce overcrowding and costs within the system while allowing the offender a second chance to stay away from criminal activity while taking advantage of counseling, educational, and other treatment options available.

Additionally, diversion allows an offender to avoid the stigma of conviction (Fields, 1994). Successful diversion programs should be limited to nonviolent offenders who will not pose a threat to the community, however, as Dillingham, Montgomery, and Tabor (1990) note, careful screening requirements are necessary to insure the effective and safe use of diversion.

Nationwide, the focus on diversion drug programs began with the Bush administration, the "war on drugs" and a search for a viable control strategy. At that time, Congress established mandatory pretrial drug testing in eight Federal Districts. Additionally, the Bush administration called for legislation requiring states to develop pretrial drug testing programs in order to qualify for block grant assistance funds (Carver, 1993). The goal of pretrial testing was to release as many offenders as possible with the least restrictive conditions that insured the offender's court appearance while protecting the public during the release period.

The decision for pretrial release of an offender was based on information obtained by a pretrial service agency usually comprised of probation officials or community based treatment officials. This information included an agreement by the offender to participate in drug treatment and periodic drug testing (Falkin, Prendergast, and Anglin, 1994). The authors noted that criteria for those who required treatment included 1) offenders who admit using drugs regularly prior to arrest, 2) offenders in treatment at time of arrest, and 3) offenders who want drug treatment (p. 31).

The District of Columbia has one of the oldest pretrial service programs in the United States. More than two-thirds of all arrestees were released at first appearance mainly due to jail overcrowding. In 1986, the city approved additional funds for their Pretrial Service Agencies which allowed for the development of an Intensive Pretrial Supervision Program. This program's goals were to reduce the number of pretrial detainees and to provide a release alternative which allowed for protection of the community (Carver, 1993, Goldkamp and Jones, 1992).

The District of Columbia program recognized the importance of several critical features. First, the judiciary would have to be committed to the program. Second, frequent drug testing was imperative to the program's success. Third, a variety of social services should be available and

finally, violations of conditions must be dealt with as quickly as possible (Carver, 1993, p. 43).

According to Carver (1993), the Intensive Pretrial Supervision Program of the District of Columbia was designed for defendants who would not have been released otherwise; 80% of these individuals were drug users and only 14% had neither a prior offense or a prior conviction (p. 44). Defendants in the program knew they were facing immediate return to custody for a positive drug test. Results of the two-year study on the District of Columbia program found that of 7,014 drug tests, 6,579 were negative and only 435 were positive. Carver summarized that testing reduced overall drug usage, however, threat of immediate sanctions for violations greatly increased the success of the program.

To be eligible for drug diversion in California, an offender must be charged with using or being under the influence of limited amounts of particular controlled substances (Fields, 1994). Section 1000.(a)(1-6) of the California Penal Code states that the defendant is ineligible for drug diversion if he/she has a prior controlled substance conviction, the crime involves violence or threatened violence, the divertable violation does not fit specific penal code definitions, a prior revocation of parole or probation, a prior grant of diversion, and/or a prior felony conviction within five years (p. 257). If the offender requests diversion and meets the eligibility requirements,

the District Attorney will refer the case to the probation department. The defendant must waive his right to a speedy trial and agree to participate in required treatment and counseling programs. When the court places the offender on diversion, criminal charges are stayed pending successful completion of the diversion period of six months to two years. When diversion is successfully completed, the court dismisses the pending charges. This program is commonly referred to as drug diversion or the PC1000 program.

In 1997, diversion laws in California were changed requiring a client to enter a plea prior to being placed on diversion. Additionally, the diversion case can't be terminated until the defendant has participated in the program for a minimum of eighteen months. This change is creating a backlog of cases in the court system and may adversely affect the use of diversion in the future.

Development of Drug Courts

According to the U.S. Department of Justice, between 1980 and 1989 arrests for drug-related offenses increased by 134% while overall arrest rates increased by 37% (Belenko and Dumanovsky, 1994, p. 1). Political pressure has resulted in a "get tough" strategy which emphasized increased penalties for drug users and drug-related crimes and mandatory sentencing which insured longer sentences for these offenders. Law enforcement focus was on drug-related crimes with the goals of reduction, interdiction, and prosecution of

individuals possessing specific amounts of illegal substances. This philosophy put the court system into the precarious position of attempting to manage a large number of nonviolent drug offenders against an overloaded docket and overcrowded jails, with less than adequate treatment options while still considering the offenders' due process rights. One of the solutions that resulted from the court's dilemma is drug courts.

There are two main types of special drug courts currently in use. The first is a differentiated case management (DCM) approach which uses specialized procedures to speed the disposition of drug cases. Goals of this program are to concentrate drug cases in one courtroom, reduce the time to disposition without compromising community safety or the offender's constitutional rights, reduce the pending felony drug caseload, and relieve nondrug caseloads in other courtrooms by diverting drug cases into the specialized drug court (Belenko and Dumanovsky, 1994).

There are several reasons that the segregation of drug offenses within the court system may be an advantageous case management approach. Because judges, prosecutors, and public defenders are usually assigned exclusively to a specific courtroom, they become specialists in that area which allows them to efficiently and effectively process a large number of cases through the system. Additionally, new courtroom protocol develops which encourages plea negotiation and

settlement further allowing for effective case management of an increased number of cases. Another advantage of separating drug cases from other offenses is the elimination of competition between drug-related offenses versus violent felonies. In a mixed caseload courtroom, violent offenses are more likely to be handled as high priority leaving drug offenses to be continued or postponed until the violent cases are cleared. Finally, most drug offenses are generated by anti-drug enforcement teams which have established strong evidence and fairly reliable witnesses greatly reducing the chances of trial requests (Belenko, Fagan, and Dumanovsky, 1995).

According to Belenko and Dumanovsky (1994), the first special drug court was implemented in New York City in the 1970's in response to the Rockefeller Drug Law. After a few years, the New York City drug court lost its specialization as it took on nondrug felonies as well. In April of 1987, New York City again began experimenting with special drug courts called "Narcotics (N) Parts" in four districts in the city. The New York courts were the first example of differentiated case management drug court and used the "waiver" process which encouraged defendants to plead guilty and were in turn rewarded with misdemeanor convictions, shorter jail time, reduced felony convictions with either probation or shorter prison sentences (Belenko, Fagan, and Dumanovsky, 1995).

New Jersey implemented a case processing drug court in May of 1989 with the goal of impacting post-indictment court backlogs. A subsequent evaluation of the program found that the special drug court made no impact on either case processing time or backlog reduction. The researchers suggested that the failure of the program may have been due to the lack of central leadership which resulted in a breakdown in program implementation (Krimmel, 1992).

Another example of the differentiated case management model is the Cook County (Chicago) Night Drug Court which was established in 1989. The courts begin at 4:00 p.m. and continue until 9:00 to 10:00 p.m. at night depending on the caseload. Dockets average fifty or more cases as compared to the twenty or fewer cases heard in felony courts. Researchers found that processing time was reduced in drug cases and that sentencing became more lenient. However, numerous staffing problems resulted including increased levels of fatigue, lack of security, lack of time spent with families, isolation from court colleagues and transportation and child care problems (Smith, Lurigio, Davis, Elstein, and Popkin, 1995).

The second type of special drug court involves a court-monitored drug treatment program using diversion, deferred prosecution, or deferred sentencing. The National Association of Drug Court Professionals define the drug treatment court as,

"a special court given the responsibility to handle cases involving less serious offenders through a supervision and treatment program. These programs include frequent drug testing, judicial and probation supervision, drug counseling, treatment, educational opportunities, and the use of sanctions and incentives" (United States General Accounting Office, 1995).

The goals of the treatment oriented drug court program are to concentrate drug cases in one courtroom, provide community-based drug treatment and other offender needs through case management, reduce drug use and recidivism, and to relieve nondrug caseloads in other courts of drug cases (Belenko and Dumanovsky, 1994).

The first use of court monitored drug treatment was the Dade County (Miami) Drug Court which began operations in 1989. Due to the immense volume of drug cases flooding the court system, the Florida Supreme Court allowed Judge Herbert M. Klein a one year leave of absence to attempt to find a solution to the problem. Judge Klein reasoned that rather than handling more cases throughout the criminal justice system, the solution may be to reduce the number of individuals using drugs. He suggested an intensive diversion program using a combination of treatment options and supervision. An additional component was the appointment of a specialized judge to oversee the progress of the participants (Finn and Newlyn, 1996). As Goldkamp and Weiland (1993) explain, the Miami Drug Court model has two unique aspects; a nontraditional role for the courtroom workgroup,

and a specialized outpatient drug treatment program.

Since the establishment of the Dade County Drug Court, numerous special drug courts have been implemented throughout the United States. There are several variations of these courts including those used solely to reduce disposition time as can be found in Chicago, Milwaukee, New York City, and Philadelphia, as well as treatment oriented diversion courts currently operating in Miami, California, Arizona, and Oregon. Additionally, there are combinations of the two approaches found in Michigan and Minnesota (Belenko and Dumanovsky, 1994). Policy implications in this paper will focus, for the most part, on the treatment oriented diversion drug courts. In order to assess the effectiveness of a treatment oriented drug court, one must first look at the operation procedures.

Treatment Oriented Drug Court Procedures

Eligibility

Eligibility requirements vary in drug courts across the United States. In the Dade County (Miami) program, offenders who are charged with possessing or purchasing drugs are accepted if the State Attorney agrees with the diversion. Those who have a history of violent crime, have been arrested for drug trafficking, or have more than two prior arrests for nondrug offenses are ineligible (Finn and Newlyn, 1996). Eligibility requirements for participants in the Maricopa County (Phoenix) Drug Court requires that

offenders must not pose a serious risk to the community, have exhibited past or current drug/alcohol abuse, and be in need of substance abuse counseling on an outpatient basis (Maricopa County Program Description, 1994).

The San Bernardino County Drug Court requirements appear to be stricter in that an offender is ineligible if he/she has a sales offense, a prior felony drug conviction or other pending felony offense, more than one prior felony drug conviction, has used a weapon in the offense or has a history of violent behavior, there is evidence of intra-venous drug use, and/or has a limited history of substance abuse treatment (San Bernardino County Program Description, 1994). It should be noted that, currently, this criteria are not stringently followed and most participants are accepted based on the Judge's, District Attorney's and Probation Officer's mutual agreement based upon experience dealing with drug using offenders, and the offender's willingness to participate in the program and remain drug free. Factors considered by the Judge, the attorneys, and the probation officer include length of drug usage, family support, residence and transportation in relation to the drug court program, the amount of honesty and desire to abstain from further drug use, and collateral interviews with family, employers, and individuals who play a significant role in the defendant's life (Personal Communications, February 21, 1996; May 14, 1997).

Program Requirements

Generally, if an offender meets eligibility requirements based on screening by the Judge, District Attorney, and Probation officials, and the defendant agrees to participate in the program, the Drug Court places the individual in the diversion and treatment program and monitors his or her progress. According to Finn and Newlyn (1996), the Dade County Drug Court program has three phases; 1) detoxification, 2) stabilization, and 3) aftercare.

In the Dade County Program, detoxification lasts from two to six weeks and involves psychosocial assessment, establishing a treatment plan, daily acupuncture, daily drug testing, and court appearances. The second phase of the program, stabilization, lasts from three to six months and involves individual and group counseling, a wellness curriculum, fellowship meetings, periodic acupuncture, drug testing, and court appearances. The final phase of the program, aftercare, lasts from eight to twelve months and offers GED and literacy classes, vocational training, job assistance, and periodic drug testing and court appearances (p. 151).

An interesting aspect of drug courts which has been widely accepted by both program implementers and participants is acupuncture. This procedure is reported to reduce cravings in addicts and ease withdrawal symptoms by releasing endorphins, a natural pain killer, into the body. Participants in the Miami program are offered this treatment

however it is not mandatory. Approximately 85% of the offenders make use of this option (Finn and Newly, 1996; Goldkamp and Weiland, 1993).

The San Bernardino Drug Court program does not currently offer acupuncture as part of their program agenda due to financial considerations although this procedure would be considered for use in the future if research supported its effectiveness (Personal Communication, May 14, 1997).

Similar procedures are required from other drug courts although they vary in their operations. Maricopa Drug Court has four phases; Pretreatment, and Paths I, II, and III. Pretreatment is an orientation phase which insures that a participant is aware of all obligations to the program. Paths I, II and III are similar to Dade County's three phases (Maricopa County Program Description, 1994). San Bernardino County Drug Court also functions in phases with additional expectations from participants including attending counseling and education groups once per week, attending three 12 Step meetings weekly, complete 20 hours of community service each month, submit to random drug testing, contact the probation officer once per week, and the payment of \$10.00 program fee per week (San Bernardino Program Plan, 1994).

Relapse

Another interesting aspect of drug courts is their

philosophy on relapse. In the early stages of recovery, many substance abusers relapse but do not revert back to daily use. In Dade County, treatment officials noted that approximately one-third of their participants have at least one relapse during the Detoxification stage. At that time, the treatment counselor suggests coping strategies to head off future relapses and requires additional treatment for the offender. Relapses in Phase II and Phase III are more serious and result in increased counseling and a court appearance with the drug court judge (Finn and Newlyn, 1996).

Interaction of the Drug Court Judge

The unique quality of drug courts which is not found in other drug treatment approaches is the role of the judge. According to Finn and Newlyn (1996), Judge Stanley M. Goldstein presides over the Dade County program and has been the only Drug Court judge since the program began in 1989. Judge Goldstein explains the program to all new participants including the requirements of ongoing drug testing and an appearance before the court at least once per month. The judge has treatment records for all offenders available to him and confronts or supports each participant each time they appear before him. The public defender and district attorney are present at each meeting, however, the judge alone addresses each participant, and participants respond to the judge. Judge Goldstein may send uncooperative clients to jail for up to two weeks if he feels that jail time may

aid in recovery. As a last resort, an offender may be removed from the program, an option reserved only for the judge. Finn and Newlyn note that approximately six out of ten participants who eventually graduate from the Dade County program will spend at least two weeks in jail during the course of their treatment, although it is seldom that a participant will be removed from the program (p. 153).

A similar procedure is followed by the San Bernardino County Drug Court. Judge Patrick Morris, creator of the San Bernardino program, addresses the participants as to their performance in counseling, relapse problems, fee payments, and any other issues that may be applicable. Treatment counselors and probation officers are present in the courtroom to answer any additional questions the Judge may have. Judge Morris congratulates and presents awards to participants as they pass milestones in the program. He also may order that a participant spends anywhere from a weekend to a few weeks in jail for failure to comply with program requirements or may refer the offender to a residential treatment program and, upon successful completion, may be returned to an outpatient status in the drug court program. If the participant refuses to cooperate with the provisions of the program, he/she will be removed from the program (Personal Communication, February 21, 1996).

Each participant is aware that a court appearance requires that he/she face the judge, the counselors and

probation officers, and a group of the offender's peers. According to drug court participants in the San Bernardino drug court program, this experience can be either extremely uplifting or terrifying, depending on the reason for the appearance (Personal Communication, February 21, 1996).

Evaluations of Drug Courts

Because the special drug court program is relatively new, few evaluations have been conducted to determine the effectiveness of many of the programs. However, the Dade County program has been in place for over five years and evaluations have been done and research results indicate several major findings. Goldkamp and Weiland (1993) reviewed a study which compared drug court participants to a similar group of defendants not placed in the drug court program over an eighteen month period. They found that drug court participants had fewer cases dropped, lower incarceration rates, less frequent rearrests, longer times to rearrest, and higher failure to appear rates (p. 1). The authors suggest that this was due to the increased drug court appearance requirements.

Finn and Newlyn (1996) reviewed several major accomplishments of the Miami Drug Court involving participation, costs, and recidivism rates. Regarding participation, Finn and Newlyn noted that between June 1989 and March 1993, 4,500 participants entered the program, approximately 20% of all arrestees in the county charged with drug-related

offenses. Of those participants, 60% either graduated or were still in the program when evaluated.

When looking at cost savings, Finn and Newlyn (1996) found that, overall, the program cost approximately \$800 per year per participant, the same cost for jailing the offender for nine days. Much of the revenue used for the Dade County Drug Court was generated through client fees, thus making the program partially self-supporting. Additionally, there was no increase in taxes or diversion of funds from other programs to finance the Miami Drug Court program.

Finally, only 11% of those who graduated from the Dade County program were rearrested on any criminal charges in the year after graduation. Interestingly, there was no comment from the researchers regarding the rate of recidivism for the comparison group in their study. The authors noted two reasons why this program appears to be effective in reducing recidivism rates; 1) the strong influence of the court in terms of immediate sanctions gave an added incentive to remain in treatment and remain drug-free, and 2) the longer a drug user remained in treatment increased the chances of long-term success for that participant (Finn and Newlyn, 1996).

As Carver (1993) noted in his study of the District of Columbia Intensive Pretrial Supervision Program, drug testing appeared to reduce overall drug use, however, the threat of immediate sanctions for violations increased the success

of the program. Special Drug Courts offer both intensive drug testing and the ability to impose immediate sanctions for noncompliance.

Henry (1993) suggests that judicial leadership is imperative for the success of a pretrial release program. Special Drug Courts require that offenders appear before the judge on a regular basis. In the Dade County Program, Judge Goldstein believes that whether the participants are reprimanded or congratulated, each offender is held accountable and knows that someone within the system "is paying attention to what's happening to them" (Finn and Newlyn, 1996, p. 150).

According to Goldkamp and Weiland (1993), several unique aspects of the drug court programs have emerged based on the evaluation of the Dade County Program and are useful in considering policy implications for current and future use.

Special Drug Courts should have a strong support system among members of the courtroom workgroup. Although the District Attorney and Public defender play a minor role in the courtroom as compared to the traditional adversarial approach found in most courtrooms, their support is imperative to the teamwork of the group. At the same time, the judge must take on a leadership role and be both supportive and knowledgeable of issues dealing with drug-related offenders. He/She must also be prepared to impose sanctions

based on that knowledge as well as the performance of participants. Overall, the courts adopt a more tolerant approach to substance abuse while insuring that community safety is considered at all times. For example, in Dade County, relapse was expected and, to a point, accepted in the first phase of the program. However, if a participant was arrested on a new offense more serious than the criteria for acceptance allowed, termination from the program was immediate (Finn and Newlyn, 1996; Goldkamp and Weiland, 1993).

Goldkamp and Weiland (1993) note that the Dade County Drug Court developed specialized treatment resources that were experienced with the unique procedures of the drug court. The treatment programs modified their procedures to fit the drug court agenda. Additionally, evaluation of the Miami Drug Court indicated a need for different treatment programs based on offender drug involvement and safety risk. Evaluators suggested that better classification of participants would allow for a variety of treatment approaches that would address level of drug use as well as risk level of offenders entering the program. A lower risk offender or less involved drug user may benefit from a less intensive program while higher risk participants could be assigned to a more intensive program.

A major factor discovered in the evaluation of the Dade County Program was the need for an effective information

management system. Because special drug courts involve a number of players including the courtroom workgroup and a specialized judge, treatment counselors, and probation officers working together in a team-oriented approach, up-to-date and accessible information about the participants is imperative to the success of the program (Goldkamp and Weiland, 1993).

According to Belenko and Dumanovsky (1994), in order to insure efficient and effective implementation and management of drug court programs, several critical factors are necessary. Regarding program planning and support, the courtroom workgroup must exhibit strong support for the program and there must be informative relations with the community and the media to increase understanding and support of the program. Additionally, the judge, district attorneys, and public defenders should be assigned to the special drug court for a minimum of six months. This allows for an increased expertise in handling drug-related offenders in a specialized setting. Obviously, all representatives of the drug court including the courtroom workgroup, probation officers, and treatment counselors should be committed to the drug court concept and its goals.

When looking at procedural elements of drug courts, Belenko and Dumanovsky (1994) suggest that the judge be respected, dedicated to the concepts of drug court, and be knowledgeable about drug abuse and treatment. Participants

should be assigned to the drug court as early in the process as possible.

Regarding the treatment aspects of drug court, drug treatment program sites should be carefully chosen and should be located close to the courthouse to allow participants to attend their treatment as well as court appearances. Careful screening should occur to decrease the chance of net widening and the program should be voluntary with a "grace period" to allow offenders to withdraw. Drug treatment programs should provide both inpatient and outpatient drug treatment and offer a variety of counseling services. Ideal programs would also offer vocational and educational opportunities in addition to regular drug treatment programs (Belenko and Dumanovsky, 1994).

Finally, clear rules should be established for responding to violations. Rewards and sanctions should be fair and consistent and a philosophy of tolerance for relapse should be incorporated into the program (Belenko and Dumanovsky, 1994).

CHAPTER THREE

METHODOLOGY

Introduction

The purpose of this research is to examine whether drug court participants are more likely to successfully remain drug free and crime free both during and after successfully completing the program than individuals participating in a probation drug treatment program (PRIDE) or probationers receiving standard supervised felony probation. Evaluations of drug court programs thus far make some comparisons between drug court participants and those assigned to supervised probation with standard drug and alcohol conditions. However, there are no data available at the present time which compares drug court participants to individuals participating in other drug treatment programs. Therefore, the present study will implement a quasi-experimental process oriented design which examines two treatment groups, drug court participants and participants in a probation drug treatment program, and a control group of felons assigned to supervised probation with standard drug and/or alcohol conditions over an eight month period.

The method of research will consist of an analysis of ongoing statistical data furnished by San Bernardino County drug court staff, San Bernardino County probation staff, and San Bernardino County Sheriff's information systems. Additionally, nationwide data taken from the CLETS system which

indicates statewide and national arrest and conviction information will also be examined to increase the accuracy of recidivism rates.

Description of the Sample

This study consisted of a comparison of two treatment groups and a control group. Figure 1 indicates the similarities and differences between the two treatment groups.

Figure 1
Comparison of Treatment Programs

	DRUG COURT	PRIDE
CRITERIA FOR ENTRY	<ul style="list-style-type: none"> *No Violent Offenses *No Weapon Offenses *Access to Court *Attitude and Receptiveness To Treatment *Self Disclosed or History Of Drug Use 	<ul style="list-style-type: none"> *Accessibility To Program *Attitude & Receptiveness To Treatment
CAPACITY	106 To 110 Offenders *Diversion and Probation *Misdemeanors & Felonies	65 To 70 Offenders *Probation Only *Felonies Only
TIME TO COMPLETE	One Year Minimum	Nine Months Minimum Fifteen Months Maximum
STAFF	3 Probation Officers 3 Inhouse Counselors	3 Probation Officers Outside Mental Health Counselors
PHASES	I Through IV No Aftercare	I Through III PHASE III = After Care
REQUIREMENTS	ALL PHASES *5 Groups per week *3 NA/AA per week *End of PHASE II Must Have Sponsor *See Judge One Time Per week and Drop as PHASES Progress	PHASE I *4 weekly Groups PHASE II *2 weekly Groups PHASE III *1 weekly Group ALL PHASES *2 TO 3 NA/AA per week

Figure 1 - Continued
Comparison of Treatment Programs

	DRUG COURT	PRIDE
DRUG TESTS	<p>Up to 3 drug tests per week. They are reduced the longer the client stays in the program and has no dirty tests.</p> <p>Counselors conduct testing on location Probation officer may conduct in field.</p> <p>Test for drug of choice only.</p>	<p>Color Testing - Client calls in and reports as instructed. PHASE 1 - 1 to 2 times per week. PHASE II & III - 2 to 3 times per month.</p> <p>Probation officers conduct on location or field contact.</p> <p>Test for multiple drugs.</p>
SANCTIONS	<p>Jail time, increased AA/NA attendance, extend PHASES, refer to inpatient program, confrontation in groups.</p> <p>NOTE: GOING BEFORE THE JUDGE IS CONSIDERED A PRIVILEGE FOR MOST PARTICIPANTS.</p>	<p>Revocation of probation, increased AA/NA attendance, confrontation in groups.</p>
GRADUATION REQUIREMENTS:	<p>Go before grad panel 120 days clean, must have sponsor, all fees paid, minimum of 182 groups and minimum of 156 NA/AA's, must have employment/school attendance.</p>	<p>Go before grad panel, 120 days clean, paid all fees, attended minimum of 132 groups, must have sponsor, minimum of 78 NA/AA's, employment/school- is encouraged.</p>
AFTERCARE	<p>None is currently available.</p>	<p>PHASE III</p>

* ALUMNI GROUPS ARE NOW BEING IMPLEMENTED IN BOTH TREATMENT PROGRAMS.

Drug Court Sample

The San Bernardino County drug court began operation in 1995 under the direction of Judge Patrick Morris. Three probation officers and five substance abuse counselors staff the program. Subjects are assigned to the drug court by an assessment process conducted by the Judge, District Attorney and Defense Attorneys, and probation officers. Drug court subjects participate in the program for a minimum of nine months. Once they have successfully completed the program, criminal proceedings are dismissed and their criminal record indicates that diversion was successful. No aftercare is required although it is encouraged.

All drug offenders in San Bernardino County Central Division are processed through Judge Morris' courtroom. Offenders may receive various sentences ranging from the PC1000 drug diversion program for first time offenders to inpatient drug counseling and felony probation to state prison for repeat offenders. Within the continuum of sentences available is drug court.

The first treatment group, the Drug Court subjects, consisted of all participants in the program between August 1996 and April 1997. Monthly progress reports were gathered which listed the participants' entry date, phase in program, caseworker, court appearances, drug testing results, payment of fees, attendance, and counselor observations (See Figure 2).

Figure 2
San Bernardino County
Drug Court Participant Progress Report

Defendant Information

Name	Entry Date	Phase	Week	Caseworker
Case Number	Client Number	Other ID Number		Charge

Court Appearances

Appearances scheduled	Failures to appear	Custody days	Last court
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Drug Test Results

	<u>Cumulative</u>	<u>Since Last Court Appearance</u>
Number of positive tests		
Number of negative tests		
Number of non-appearances		
Number of times refused to test		
Last test date: Result:		

Payments

	<u>Cumulative</u>	
	Paid Missed	<u>Since Last Court Appearance</u>
Last payment		

CLINIC ATTENDANCE

	<u>Cumulative</u>	<u>Since Last Court Appearance</u>
	Attended Missed	Attended Missed
Meetings/sessions: Last		

Counselor Observations/Assessment/Recommendation Next Court Date Requested ____

Offenders who participated in the program for less than one month were not included in the study. Both misdemeanor and felony cases participated in the program.

PRIDE Sample

Drug offenders processed through Judge Morris' courtroom, but not accepted in to the drug court program, may be sentenced to state prison or granted felony probation for a period of three years. Individuals sentenced to probation may be sent to a residential treatment program, referred to the PRIDE program, or assigned to the General Services Unit of the probation department for supervision. All drug offenders granted felony probation are given standard conditions of probation which include no use or possession of illegal substances or drug paraphernalia, random drug testing, no association with drug users/sellers, no consumption or possession of alcohol, and a requirement to attend drug/alcohol counseling.

Referrals to the PRIDE program are screened by probation officers and offenders are accepted into the program based on their willingness to complete a drug treatment program and their ability to participate including access to the program, attitude, and residence. All participants are on felony probation and may be referred from the General Services Unit, the Investigations Unit, or the Central Drug Court. Individuals from outlying areas of the county who are not eligible for the centralized drug court program may be accepted in PRIDE.

The second treatment group consisted of all participants of the PRIDE program between August 1996 and April

1997. All PRIDE participants were convicted of a felony offense, however, many of these offenders were convicted of non-drug charges such as petty theft with priors or receiving stolen property. It was determined during screening that these offenses were drug related.

Although information was compiled regarding PRIDE participants, no monthly progress reports were available and compilation of cumulative data required review of monthly status information such as drug testing, number of positive (dirty) tests, sanction forms, and employment/occupational information. Unfortunately, due to the time constraints of this study, much of this information was not included in the analysis. Offenders who did not successfully complete a month in the program were not included in the study.

Control Sample

Drug offenders not assigned to the PRIDE program or drug court were assigned to the General Services Unit where they were monitored by a staff of five probation officers. It should be noted that the General Services Unit supervises not only drug offenders, but all felony probation cases in San Bernardino County.

Control group probationers had the same standard drug/alcohol conditions as the PRIDE participants, however, were not to be as closely monitored by the probation department due to the enormous caseload assignment of each officer. Clients were required to mail in quarterly statements re-

garding residence, employment, law enforcement contact, counseling participation, and financial status. Additionally, random home visits were conducted on an average of once to twice per year. Probationers could be called in for drug testing at any time.

The control group was selected by cross referencing drug offenses with zip codes in the outlying areas of San Bernardino county. The list of offenders was selected based on offense and location. All cases were then reviewed for assignment to the General Services Unit. Any case assigned to an outlying office was removed from the study to reduce the validity threat of history and selection in that probation officers in outlying areas are more likely to interact with offenders on their caseload than probation officers in the General Services Unit.

Originally, a sample from both the west end of the county and the high desert area of the county were to be selected. However, due to the unique population found in the desert communities, only offenders located in the west end of San Bernardino county were selected to decrease the threat of selection-history. The offenders in the west end of the county appeared to be a much more comparable sample to the central county sample. All subjects selected for the control group had already been on felony probation for a minimum of nine months.

Outcome results would be obtained from a number of

sources. Drug Court participants are released from diversion upon graduation so no additional information is available through the drug court process. Therefore, additional arrests, convictions, and sentencing information would be obtained through the San Bernardino County Sheriff's Information System (JIMS), the San Bernardino County Probation Information System (PACS), and the nationwide criminal justice information system (CLETS). PRIDE participants remain on felony probation after completing the programs and, therefore, can be tracked through probation records while on supervised probation. The control group was also on felony probation and was tracked through probation and sheriff's information systems.

Variables

The data were collected from two treatment groups and a control group. In this study, the control variables of gender, age, race, offense, total drug tests, positive (dirty) drug tests, and type of drug were examined in relation with the two treatment groups and the control group and the relationship to outcome between and within groups.

Additional control variables that were examined included arrest information prior to entering the programs, type of drug used, and action taken against the offender.

The following is a description of the variables and how they were coded:

Independent Variable

Groups: Treatment and control group, coded 1 for control, 2 for PRIDE, and 3 for drug court.

Dependent Variable

Outcome: Defined in three variables.

Status: Progress of offender in program coded as 1 for graduated, 2 for active in program, and 3 for removed from program.

Year of Arrest: New offense after enrolling in the program coded as 1 for 1997, and 2 for 1996.

Type of Arrest: Coded as 1 for property crime, 2 for personal crime, and 3 for drug offense.

Control Variables

Age: Coded in ascending order by year beginning at 18 years.

Race: Coded 1 for African American, 2 for Latino, 3 for Caucasian, 4 for Asian.

Gender: Coded 1 for male, and 2 for female.

Offense: Coded 1 for HS11378 (Possession of Controlled Substance for Sale), 2 for HS11377 (Possession of Controlled Substance), 3 for HS11358 (Planting of Cultivation of Marijuana), 4 for HS11550 (Use of a Controlled Substance), 5 for HS11352 (Unlawful Transportation, Sale or Administration of Controlled Substance), 6 for HS11379 (Transportation or Distribution of Narcotic), 7 for HS11350 (Unlawful Possession of Narcotics), 8 for HS11383 (Possession for Manufac-

turing of Methamphetamine), 9 for HS11360 (Transportation, Importation, or Sale of Marijuana), 10 for HS11364 (Possession of Controlled Substance Paraphernalia), and 11 for other.

Number of Drug Tests: Cumulative totals coded in ascending order from 0 to 100.

Number of Positive Drug Tests: Cumulative totals coded in ascending order from 0 to 50.

Type of Drug Used: Coded as 1 for methamphetamine, 2 for heroin, 3 for cocaine, 4 for marijuana, 5 for multiple drugs, and 6 for unknown.

Year of First Arrest: Coded as 1 for 1996, 2 for 1994-1995, 3 for 1992-1993, and 4 for prior to 1992.

Total Number of Arrests: Total number prior to August 1996 coded in ascending order from 0 to 50.

Action: Activity of offender coded as 1 for search conducted/no violations, 2 for search/arrest, 3 for no action noted, 4 for search/cite issued/no arrest, 5 for revocation of probation, 6 for abscond/bench warrant issued, 7 for new offense, and 8 for transfer out of program/non-cooperative.

Method of Analysis

The analytical method of research was used to analyze quantitative data in this research.

The variables of age, drug test totals, dirty drug tests, and total number of prior arrests were interval level

data. All other variables were nominal level data.

Nominal level variables were examined using both cross-tabulations and multivariate analysis of crosstabulations. The analysis of interval level data relied upon a one-way analysis of variance instrument, Kruskal-Wallis.

Hypotheses

In this study, drug court participants in San Bernardino County were compared to participants in a San Bernardino County Probation substance abuse treatment program (PRIDE) for felony probationers, and a sample of drug offenders on formal probation with standard terms and conditions.

1. If the unique qualities of the drug court program successfully treats the participant's substance abuse problem while encouraging employment/occupational/educational opportunities, then:

(a) The drop-out rate while in the program should be lower than the PRIDE program or the control group.

(b) The arrest rate after graduation from drug court should be lower than the PRIDE program or the control group.

(c) The type of arrest after graduation from drug court should be less serious for drug offenses than the PRIDE program or the control group.

2. Based on the literature indicating that a combination of treatment and supervisions increases the chance for abstinence from drug use after successfully completing a

drug treatment program, then:

(a) Both drug court and the PRIDE program should have a lower rate of arrest for any offense after graduation than the control group.

Limitations

The time period for this study was limited. The samples were examined for an eight month period, however, many of these individuals had not yet completed the programs when the study was completed. Due to the limited number of graduates in each program as well as the short period of time available to observe their progress after release from the programs, sample sizes were small thereby decreasing the statistically significant levels of analysis.

Access to portions of the data was difficult. The Department of Justice did not approve access to the CLETS system during this study, therefore, no arrest or conviction information was available outside of San Bernardino County.

PRIDE program information was located in individual files, monthly drug testing reports, and monthly sanction sheets, however, it was not the policy of the program to track cumulative information. Therefore, any information obtained during this study required a time-consuming and tedious process of information gathering. Employment/educational and counseling information was not available at the time that this study was completed.

Information regarding the control group was obtained

from the San Bernardino County Probation Information System (PACS). However, the information was limited to entries on the information system and was only as reliable as the entry made to the system. Monthly report forms which contained valuable information regarding counseling, educational, and employment activity was not available on the PACS system and, due to time constraints, individual files were not reviewed.

Outcome variables focused on arrest after graduation, type of offense, and activity while in the treatment programs. However, sanctions while participating in the program and reasons for removal from the programs were examined only peripherally due to the difficulty in obtaining specific information outlining when and why sanctions occurred, what type of sanction was taken, and the result of the sanction.

Recidivism as a measure of outcome is analyzed using number of arrests and type of arrest after graduation from the program. However, employment and educational participation would also have been included as a dependent variable if that information were more accessible. Additionally, due to the lack of aftercare in the drug court program, participants could leave the San Bernardino County and commit a new offense or continue with drug use without being detected by either the treatment program or arrest records within the county.

CHAPTER FOUR

ANALYSIS OF DATA

Characteristics of the Sample Population

The purpose of this study was to determine if offenders participating in the drug court program would be more likely to remain both drug and crime free while in the program and after successfully completing the program than offenders participating in a probation drug treatment program or assigned to a general services caseload. In order to determine this, subjects in both treatment groups and the control group were tracked for an eight month period. New offenses committed during that time period were tracked by year of re-arrest and type of offense. Control variables were added to the analysis in an attempt to determine what effect, if any, they had on the relationship between program and recidivism. The analysis was first examined in univariate form to determine the overall shape of the data.

Univariate Analysis

The entire data set was comprised of 309 individuals in three sample groups. Control variables of age, gender, and ethnicity were examined first. All subjects enrolled for less than one month in either of the drug treatment programs were omitted prior to analysis.

Gender

Table 1 indicates the total number of participants in both treatment programs and the control group by gender.

Table 1
Gender of Sample Groups

	Drug Court N/Percent	PRIDE N/Percent	Control N/Percent
Male	77/60%	90/70%	43/83%
Female	51/40%	39/30%	9/17%
Total	128/100%	129/100%	52/100%

Age

The ages of the PRIDE sample ranged from eighteen (18) years old to fifty-one (51) years of age while the drug court sample ranged from eighteen (18) years to fifty-four (54) years of age. The age range of the control group started at nineteen (19) years of age with a maximum of sixty (60) years of age.

Mean ages for the three groups were within one year of each other. The drug court sample had a mean age of thirty-one (31) years while the PRIDE program and control sample both had a mean age of thirty-two (32) years old.

Ethnicity

Ethnicity of subjects in each of the three groups is indicated in Table 2.

Table 2
Ethnicity of Sample Groups

	Drug Court N/Percent	PRIDE N/Percent	Control N/Percent
African American	30/23%	22/18%	5/9%
Latino	27/21%	34/26%	27/52%
Caucasian	70/55%	73/56%	20/39%
Asian	1/1%	0	0
Total	128/100%	129/100%	52/100%

Status of Participants

In order to determine the outcome of each participant in both treatment groups and the control group, the status of each offender was tracked in one of three categories; graduated, active in program/probation, or removed from program/probation. Tables 3 and 4 indicate the total number of offenders in each of these categories and descriptive characteristics of each.

Table 3
Status of Offenders in Program/Probation
(N = 309)

Status	Cases
Graduated	66
Active	167
Removed	76

The descriptive analysis in Table 4 included gender and ethnicity. The control group was coded as either active on probation or removed from probation but was not included in the graduate/status variable.

Table 4
Descriptive Characteristics
of Groups' Status
(n = 309)

	Drug Court (N/Percent)	PRIDE (N/Percent)	Control (N/Percent)
Graduated	44/34%	22/18%	0
Active	56/44%	68/52%	43/85%
Removed	29/22%	39/30%	9/15%
Graduated			
Male:	27/58%	17/77%	0
Female:	19/42%	5/23%	0
Removed			
Male:	23/79%	30/77%	8/100%
Female;	6/21%	9/30%	0
Graduated			
African American	10/23%	2/10%	0
Latino	12/27%	4/18%	0
Caucasian	22/50%	17/72%	0
Asian	0	0	0
Removed			
African American	9/31%	11/28%	3/43%
Latino	8/27%	12/31%	2/22%
Caucasian	12/42%	16/4%	4/44%
Asian	0	0	0

In order to test the hypotheses, graduates of each of the programs were examined to determine outcome. Recidivism rates were measured by new arrests after completing the program and type of offense. Table 5 indicates the total number of new offense/arrests and type of offenses for each sample group.

Table 5
New Offense Resulting in
Arrest and Type of Offense for Sample Groups

	Drug Court N	PRIDE N	Control N
New Arrest:			
1996	12	18	18
1997	1	0	1
Type of Arrest:			
Property	2	1	1
Personal	2	9	2
Drug	9	8	16
Total	13	18	20

Activity of Subjects During Research Period

To further track the activity of each subject during the eight month time period, a variable labeled "Action" was used to furnish information regarding supervision and sanctions which is indicated in Table 6. Searches conducted by the probation department during this time period may or may not have resulted in the subject's arrest. Search (negative) indicates that a search was conducted, however, the subject was in compliance. Search (cite) is defined as a search resulting in a minor violation which required the subject to report to the probation office but no arrest was necessary. No action taken indicates that no sanction information was available or that the subject was in compliance. Unfortu-

nately, due to the difficulty in obtaining detailed sanction information, this variable attempts to explain the activity of each subject but, obviously, detailed tracking of sanctions would increase the accuracy of this variable.

Table 6
Activity of Subjects During
Research Period
(N = 309)

	Drug Court N	PRIDE N	Control N
Action:			
Search (negative)	0	0	7
Search (cite)	0	1	3
Search (arrest)	0	0	2
Revoke Probation	0	24	7
No Action	95	66	27
Abscond	19	19	6
New Offense	13	18	20
Transfer	1	1	0
Total	128	129	52

Examination of the Hypotheses

In order to examine the hypotheses, additional analyses were performed. The first hypothesis suggested that drug

court participants would be more likely to have a lower drop-out rate while in the program and remain drug and crime free after graduating from the program than would the PRIDE participants or the control group. Crosstabulations were performed on the three sample groups to determine any statistical significance regarding new arrests and/or type of arrest either between or within group samples. No variables were found to be statistically significant. In fact, there was no statistical difference between drug court participants, PRIDE participants, or the control group. Findings failed to support hypothesis #2 which suggested that the two treatment groups would be less likely to recidivate after graduating from the program than would the control group.

The Kruskal-Wallis statistical instrument tested the three sample groups to determine if prior number of arrests, age of subjects, total drug tests performed, and total number of positive (dirty) drug tests would indicate statistical significance.

Total number of arrests prior to entering the programs/probation and age of the subjects were not found to be statistically significant. However, both total number of drug tests and total number of positive drug tests were found to be significant at the .05 and .01 levels as indicated in Table 7.

Table 7
Total number of Drug Tests
And Total Number of Positive Drug Tests
by Group

	Drug Court Mean	PRIDE Mean	Control Mean
Total Drug Tests	26.0625**	13.6357*	.1154
Positive Drug Tests	.7266	1.6875**	.0577

* p < .05, ** p < .01

Multivariate crosstabulations were also performed to determine if total number of drug tests and total positive number of drug tests would be statistically significant when taking status of the subject into consideration. Table 8 indicates that status of the subject may be affected by total drug tests and total positive drug tests.

Table 8
Crosstabulations of Drug Tests
by Status of the Offender

	Graduate Mean	Active Mean	Removed Mean
Status:			
Total Drug Tests	.3030	.8922	1.8816**
Positive Drug Tests	25.3939**	15.0298	11.8421

* p < .05, ** p < .01

Additional multivariate crosstabulations were conducted on the variables of age, ethnicity, type of drug used, and action taken on offender by group, however, none were found to be statistically significant between or within groups.

Summary

Levels of statistical significance were found for the variables of total drug tests and positive drug tests between groups. Additionally, the drug testing variables affected the status of the subjects indicating that the total number of drug tests and the total number of positive drug tests played a role in whether the offender successfully completed the program/probation period.

No statistical significance was found to support the hypotheses that drug court participants were less likely to re-offend, to drop out of the program, and to get arrested for a new drug offense. Additionally, hypothesis #2 was not supported. The analysis did not indicate that offenders participating in either of the programs were less likely to be arrested after completing the program than did the control group.

CHAPTER FIVE

SUMMARY AND CONCLUSIONS

General Conclusions

The research examined the similarities and differences between the San Bernardino County drug court program, the San Bernardino County probation drug program, and a group of felony probationers. It was anticipated that the drug court program would have a lower level of relapse for subjects while in the program and a lower level of rearrests and convictions after successfully completing the program. These hypotheses were based on research which indicates that a combination of supervision and intensive substance abuse treatment increases the probability of success in drug abusing offenders (Carver, 1993; Finn and Newlyn, 1996; Goldkamp and Weiland, 1993). Within this parameter, diversion and regular drug testing has also been found to increase the chance of future success for these offenders by allowing the offender a second chance to abstain from drug use without being stigmatized by the criminal justice system while making it clear to the offenders that they face immediate sanctions for further drug use (Carver, 1993; Fields, 1994). Finally, research has indicated that the unique role of the courtroom workgroup and their involvement in the treatment process may also increase a drug offenders' success while in the program and after completing the program (Belenko and Dumanovsky, 1994; Finn and Newlyn, 1996; Gold-

kamp and Weiland, 1993).

No research is currently available which makes a comparison between a drug court sample and another drug treatment program. This study attempted to discern if there were factors unique to the drug court program which were not present in another drug treatment program which would increase the likelihood of success for the participants both in the program and after completing the program. However, no statistical significance was found. In fact, there appeared to be no difference in success between the drug court participants, the PRIDE participants, or the control group.

There are several reasons that results failed to support the hypotheses including the similarities between the two treatment groups, sample size, and the brief period of time they were examined. Both treatment programs implemented a combination of supervision and treatment and both the drug court program and the PRIDE program required minimum participation in NA/AA meetings and group sessions which were almost identical. Probation officers supervised offenders in both programs and both required regular drug testing. There were several major differences between the two programs, however. The use of sanctions in drug court subjects allowed for participants to be immediately sent to an inpatient program or taken to jail for brief periods of time after meeting with the judge, while PRIDE participant's probation was revoked if the violation was serious enough. Interest-

ingly, the immediate sanctions available to the drug court program did not appear to affect the success of the participant any more than the longer time period sanctions used by the PRIDE program. Unfortunately the tracking of these sanctions were not examined in detail due to the lack of time and information available and will be discussed in the research problems portion of the study.

The variables in this study which were found to be significant were total number of drug tests and total number of positive drug tests. Past research has indicated that regular drug testing clearly furnished the threat of sanctions to the offender and the ability by treatment and criminal justice officials to manage their caseloads through immediate intervention (Carver, 1993; Goldkamp and Jones, 1992; Falkin, Prendergast, and Anglin, 1994). Findings in this study indicated that offenders with a higher number of positive drug tests were more likely to be removed from the program while those with a higher number of negative drug tests were more likely to graduate from the treatment programs.

These results are not uncommon, however, there were major differences in drug testing procedures between the two programs which could contribute to the findings. The drug court program used counselors to conduct the drug testing while the PRIDE program testing was conducted by probation officers. Additionally, the PRIDE program tested for all

drugs while the drug court program tested only for drug of choice.

A final difference in the drug testing procedures between the programs involved observation of the specimen being taken. Counselors in the drug court program allowed participants to submit a test without observation while the PRIDE probation officers were present during the test. This could account for the differences between the increased number of total drug tests taken by the drug court program and the total number of positive drug tests found in the PRIDE program data. This may also explain the higher number of subjects removed from the PRIDE program versus the drug court sample.

Based on the research which supports drug testing as a deterrent and indicator of noncompliance in drug using offenders, this study indicates that a reduction in the amount of drug tests, if combined with sensitive testing for multiple drugs and methods of testing which employ observation during the test, may be a more viable alternative to aid in the assessment and screening of potential future substance abuse. Additionally, these options may deter the offender from further drug use or other criminal behavior.

The present study also attempted to examine if other factors may play a role in success while participating in and after completing the programs. Demographic variables of age, ethnicity, and gender were not found to be

statistically significant in affecting outcome and all three sample groups were surprisingly similar in their demographic characteristics. Additionally, drug offense and type of drug used, prior total number of arrests, and year first arrested were not found to be factors in affecting outcome.

Limitations of the Research

Research Design and Implementation

There were several problems attributed to the research design. First, the measurement of outcome was limited to new arrests in San Bernardino County. No arrest or conviction information was available due to the restrictions for accessing the nationwide CLETS information system through the Department of Justice. Therefore, recidivism rates for group samples were based only on San Bernardino County arrest records which compromised the accuracy of the dependent variables.

Another problem associated with outcome involved the lack of aftercare for the drug court sample. According to San Bernardino County Probation Officers involved with drug court, many of these individuals may resume drug use shortly after being released from the program. Additionally, some of the participants leave the area, which makes it extremely difficult to track their progress using San Bernardino County records. Currently, participants granted diversion are released from the program and criminal proceedings are suspended at time of graduation with no requirement to

continue with treatment. Unfortunately, this greatly decreases the ability to monitor graduates granted diversion. PRIDE participants also are not required to attend aftercare, however, because all participants in the PRIDE program are being supervised for a period of three years, tracking of those offenders is more accessible through the San Bernardino County Probation records. To their credit, both drug treatment programs are currently in the process of developing an alumni association which encourages graduates to continue with treatment and fraternize with fellow graduates. At the time of this study, however, the aftercare programs were at the early stages of development.

Group samples were tracked from August 1996 to April 1997, and subjects graduated or were removed from the program throughout that eight month period. However, the graduate sample for the two treatment groups was small ($n=66$) which increased the threat to internal validity. Additionally, many of offenders graduated from the programs within two to three months prior to completion of this study greatly increasing the chance of error in the findings. Obviously, the longer an individual remains drug free after leaving a program, the more successful the program was in terms of rehabilitating the offender, reducing future costs of processing the offender on a new offense, and overall societal costs when an individual no longer uses illegal substances or, even better, stops using drugs and commits no

other future offenses.

Finally, random sampling was not available for this study. Drug court participants were selected by the courtroom workgroup. Those not selected to participate in the drug court program may be assigned to the PRIDE program, an inpatient program, or to state prison. The PRIDE program then selects participants and refers those not selected to the General Services Unit for supervision. Several threats to internal validity including selection, interactions with selection, and compensatory rivalry by respondents receiving less desirable treatments are inherent in this process of selection into programs. Although it was difficult to control for these threats in the two treatment groups, the control group was selected from areas outside San Bernardino County/Central area in an attempt to select a sample which more closely resembled the treatment groups.

Data Collection

Because no evaluations have been conducted on either the drug court or PRIDE programs, no standard collection of data was available. The drug court program tracked some data related to offenders as can be seen in Figure 2 (p. 37), however, pertinent information regarding education/employment participation, sanctions while in the program, and reason for removal from the program was available on some but not all of the offenders under the limited time constraints of this study. No standard tracking of PRIDE pro-

gram participants was available with the exception of demographic factors and offenders who graduated from the program. Drug testing information as well as sanctions were available but required a time-consuming process of examining weekly records for each individual.

Sanctions are an important component in determining outcome. However, data regarding sanctions which occurred during the treatment periods were difficult to obtain. Drug court participants were routinely sent to inpatient programs or spent from a weekend to a week in jail for violations during the program period. This information was not tracked and could not be included in this study for reasons already stated. Sanctions were also imposed on PRIDE participants including additional group sessions or AA/NA meetings, extension of Phases, and diary writing. Obviously, the tracking of sanctions would contribute valuable information regarding outcome but were only minimally examined. The variable coded Action was used to attempt to monitor this factor. However, due to the lack of specific information, the Action variable examined the effect that sanctions had on participants only peripherally and was not found to be statistically significant. A more detailed description of sanctions while in the program may aid in future research findings regarding outcome.

Future Implications

Drug related offenders will continue to monopolize the

attention of criminal justice officials. Many of these offenders are nonviolent addicts who gain little from incarceration without treatment. Additionally, the costs related with attempting to control this population have led to a continuing search to find viable alternatives to deal with these offenders. Although special drug courts are relatively new and lack adequate evaluations for effectiveness at this time, the programs appear to have numerous advantages to the traditional punitive approach including savings in costs, a potential for lower recidivism rates, and an opportunity for drug using offenders to take advantage of treatment while being supervised in the community.

However, additional research is necessary to determine what, if any, factors make the drug court program unique from other drug treatment programs. There are several variables other than the traditional arrest and conviction information which may have a direct impact on recidivism rates and were not included in this study. Those factors include employment/educational opportunities for program participants and intensive aftercare programs which not only focus on keeping the offender drug and crime free, but also on teaching life skills necessary to function in the community. Additionally, future studies should examine primary components of drug courts including the advantage of diversion programs, intervention of the judge and courtroom workgroup in specialized courts, and, possibly, the enhance-

ments of interactions between drug courts and other drug treatment programs in the criminal justice system and the community.

Drug court programs appear to be a viable alternative to drug using offenders. Presently, however, these programs may not provide the range of treatment options, aftercare, and intensive supervision necessary to maintain a drug and crime free environment for offenders for a substantial period of time.

Finally, research is necessary which implements random assignment of subjects into either a drug court program, another treatment program, or a control group. Without random assignment, a meaningful comparison of sample groups is not possible.

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